IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

WP(C).No. 34766 of 2007(L)

PETITIONER:

K.P.BHASKARAN, PROPRIETOR, PRAKASH TRANSPORT, KANNUR - 2.

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENTS:

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1. THE REGIONAL TRANSPORT OFFICER, VATAKARA.

2. THE REGIONAL TRANSPORT OFFICER, KANNUR.

3. THE ASSISTANT PROVIDENT FUND COMMISSIONER, EMPLOYEES, PROVIDENT FUND ORGANISATION, KANNUR.

4. KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, REPRESENTED BY ITS EXECUTIVE OFFICER, KANNUR.

BY G.P.SRI.I.V.PROMOD FOR R1 & R2
ADV.SRI.R.SUDIR FOR R3
ADV. SRI.PAULSON C.VARGHESE FOR R4

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23-11-2007, THE COURT ON 23/11/2007 DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P.(C) No. 34766 of 2007

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Dated this the 23rd day of November, 2007

JUDGMENT

Learned counsel for the petitioner submits that the establishment in question is covered under the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and therefore respondents 1 and 2 are not entitled to insist on the production of a clearance certificate issued by the 4th respondent as a condition precedent for accepting motor vehicle tax.

2. As a matter of fact the establishment if an establishment is covered under the Employees Provident Fund Act, by virtue of section 4(1) of the Act that establishment has been excluded from the purview of the Kerala Motor Transport Workers Welfare Fund Act. The petitioner has produced Ext.P1 return of ownership sent to the Employees Provident Fund Department to prove his contention that his establishment is covered under the provisions of the Employees Provident Fund and Miscellaneous Provisions Act. In view of Ext.P1, the establishment can be seen to be a covered one.

3. Therefore, I dispose of the writ petition directing that respondents 1 and 2 shall accept motor vehicle tax due from the petitioner in respect of the vehicles owned and possessed by him without insisting on the production of a clearance certificate. However, the petitioner shall produce proof before respondents 1 and 2 regarding remittance of up-to-date contribution under the Employees Provident Fund Act.

Antony Dominic,
Judge.

mn.